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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/429,196	10/28/1999	STEVEN D. FAUST	V5735	5642
7590	02/25/2004		EXAMINER	
MARC E FINEMAN KEGAN & KEGAN LTD 79 W MONROE ST NO 1320 CHICAGO, IL 606034969			RAHIMI, IRAJ A	
		ART UNIT	PAPER NUMBER	
		2622		
DATE MAILED: 02/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/429,196	FAUST ET AL.
	Examiner (Iraj) Alan Rahimi	Art Unit 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 December 2003.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-9 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 28 October 1999 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Examiner acknowledges existence of figure numbers on the drawings and removes the objection in paper #8. However the first objection to the drawings remains as stated by the Notice of Draftsman attached to paper #2.

***Response to Arguments***

2. Applicant's arguments filed on December 2, 2003 have been fully considered but they are not persuasive.

A summary of Freedman disclosure is presented where requester does not need to use the custom features to better correlate the Freedman with the instant application. Freedman discloses computer 20 obtains and stores information concerning the printed job. Next a template is selected and information batch loaded into computer (computer hold the template) and publication design specification performs the necessary formatting of the work. Work is then sent to a printing facility for printing.

Applicant argues that Freedman print facility cannot print products. Examiner respectfully disagrees. In column 4, lines 25-41 and column 10, lines 24-32 Freedman discloses printing of the work, where work is define as preparing and producing imaging on a substrate which may include newspaper, magazine, books, business cards and other types of printed matter.

Applicant argues that in Freedman printing data is not loaded into the Freedman template. As duly noted by the applicant, Freedman discloses that printing data is loaded into computer.

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Template is not external to the computer and is part of the application software used for printing.

Thus data loaded in the computer is considered to be same as data loaded into template.

Applicant argues that Freedman does not actually produce formatted output ready to be printed; instead, Freedman provides data to assist with printing a work. Examiner respectfully disagrees. Freedman in column 9, lines 64-67 and column 10, lines 19-35 discloses once the computer is provided with all of the previously described information for the printing job, computer calculates the total number of finished pages and requestor can then select a printing facility for printing the job.

Regarding claim 1, applicant argues that Freedman's formats are static layouts that do not accept text or graphic and used only to help determine the cost of a printed product. Examiner respectfully disagrees. Freedman discloses in column 9, lines 30-35 and column 4, lines 36-41 that graphics and text are entered into the template.

Applicant argues that Freedman does not apply formatting to any text or graphics. Examiner respectfully disagrees. Examiner considers formatting is done by the publication design specification. Freedman discloses in column 8, lines 56-67 after batch loading the entire manuscript the requester has the option of selecting a custom design format or using publication design specification. Since the description on custom design formatting option deals with formatting information of the manuscript it can be shown that publication design specification performs the formatting of the manuscript information.

Regarding claim 2, applicant argues that Freedman does not teach text and graphics that have had formatting and layout parameters applied to them. Examiner respectfully disagrees. Examiner's response to this point is as provided above.

Regarding claim 8, examiner considers manual entry of the name and specification for a special stock of paper the means to fully populate the template, as such if the standard stock was used, choice of stock material would have already been reflected in the template and no additional entry to complete the template was necessary. Therefore fully populating the template is considered when special stock is chosen.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman (US patent 4,839,829).

Regarding claim 1, Freedman discloses an automated typesetting system used for production of a commercially-printed product according to a customer's corporate identity specifications, comprising:

means for creating, designing, storing, accessing, and updating an electronic graphic template of the product according to the customer's corporate identity specifications (Fig. 1A; column 8, lines 21-45 & 56-68);

means for creating, designing, programming, storing, accessing, and updating an electronic database file, wherein said database file is programmed to receive and store populating data used to populate said template and said database file is further programmed with instructions and parameters used to format said populating data on said template according to the customer's corporate identity specifications (column 7, lines 37-52 and column 8, lines 21-24);

means for inputting said populating data into said database file as database records (Figure 1A, terminals 14 and 38) ; means for automatically populating said populating data into said template (column 8, lines 45-48); and

means for automatically formatting said populating data on said electronic graphic template according to the customer's corporate identity specifications to form a populated and formatted template (column 8, lines 40-44). Freedman refers to the programmed computer 20 for storage of database containing the information for a job. The programmed computer also holds the software for running this application. Although Freedman may not clearly state production of printed products according to a customer's corporate identity specification, it discloses in column 8, lines 21-24 that requester selects a template, which may have been previously established for a particular type of printing job. Therefore, it would have been obvious to a person skilled in the art, at the time of invention that previously established template for a print job could be established according to customer corporate identity specifications.

Regarding claim 2, Freedman discloses an automated typesetting system of claim 1 further comprising a means for automatically printing said populated and formatted template (column 7, lines 58-61 and column 8, lines 45-48).

Regarding claim 3, Freedman discloses an automated typesetting system of claims 1 or 2, in which said template is comprised of at least one block designed to contain populating data in the form of text or graphics. In column 8, lines 36-44 Freedman teaches different manuscript formats like book and newsletter. Such formats allow for text and graphics. He also teaches accepting scanned graphics in column 8, lines 19-21. Freedman discloses in column 9, lines 30-35 and column 4, lines 36-41 that graphics and text are entered into the template.

Regarding claim 4, Freedman discloses an automated typesetting system of claims 1 or 2, in which said database file is comprised of at least one field designed to contain populating data and at least one field designed to contain instructions and parameters used to format said populating data on said template according to the customer's corporate identity specifications. Freedman considers in column 7, lines 37-58 all parameters for printing a job. Such parameters in the printing environment include data and format information.

Regarding claim 5, Freedman discloses an automated typesetting system of claims 1 or 2, in which said means for creating, designing, storing, accessing, and updating an electronic graphic template comprises a computer software program and said means for creating, designing, programming, storing, accessing, and updating an electronic database file comprises a computer

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software program (column 3, lines 57-62). The programmed computer 20 contains the software/program for executing the function described in his invention.

Regarding claim 7, Freedman discloses an automated typesetting system of claims 1 or 2 further comprising a means for electronically proof checking and correcting said populating data prior to automatically populating said populating data into said template (column 9, lines 18-22).

Regarding claim 8, Freedman discloses an automated typesetting system of claims 1 or 2, in which said means for automatically populating said populating data into said template further comprises a means for fully populating said template should said populating data not fully populate said template (column 11, lines 36-38). Freedman also teaches that print manager has the ability to add additional information in the computer such as special stock dimension, color or plate size to complete the job.

Regarding claim 9, Freedman discloses an automated typesetting system of claims 1 or 2 interactively coupled with an automated order tracking, billing, shipping, and inventory control system (column 8, lines 1-9; column 10, lines 15-24, 36-38, 55-63; column 11, lines 1-50).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman in view of Cupps et al. (U.S. Patent 5,991,739).

Regarding claim 6, Freedman does not discloses an automated typesetting system of claims 1 or 2, in which said means for inputting said populating data into said database file as database records comprises:

a Web site programmed to receive said populating data; and a populating data import means for automatically importing said populating data into said database file as database records.

Cupps et al. discloses an Internet on line order service wherein a customer is given access to a web site to facilitate ordering (column 2, lines 19-38; column 4, lines 60-68 and column 5, lines 1-5). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to modify Freedman wherein the on-line communication link is the Internet. It would have been obvious to a person skilled in the art to combine teaching of Cupps et al. with Freedman et al. to provide customers with greater access to the system from remote locations.

### ***Conclusion***

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Iraj) Alan Rahimi whose telephone number is 703-306-3473. The examiner can normally be reached on Mon.-Fri. 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

  
Alan Rahimi  
February 20, 2004

  
EDWARD COLES  
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